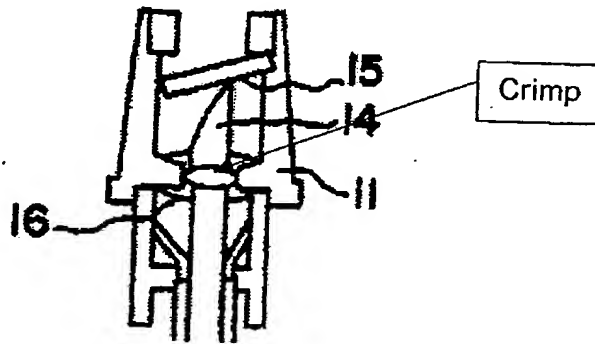


REMARKS

Claims 1-11 are pending in the application,¹ and stand finally rejected over Chang U.S. Patent No. 5,491, 766. In particular, Examiner takes the position that the oval-shaped item in the Chang patent is a crimp on the needle shaft. Examiner provides the drawing reproduced below:

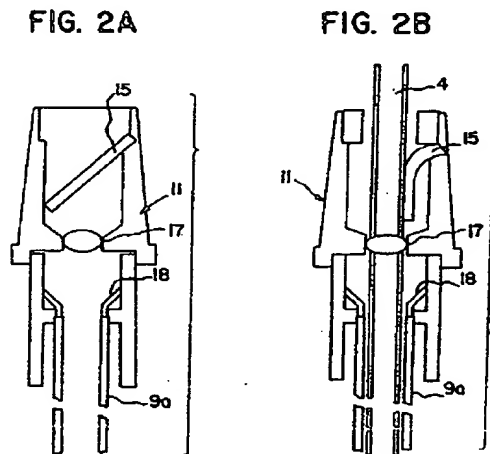


There is absolutely no basis in fact to consider that oval-shaped member to be a crimp on the needle. If it were such a crimp, it would move with the needle shaft. But the other drawings in the case make crystal clear that the oval-shaped member is affixed to the tip protector housing, and so does not move with the needle. Hence, it cannot be a crimp on the needle.

Examiner has taken the above drawing from Figure 2C and points to the oval-shaped item as if it were a crimp. Related Figures 2A and 2B show that exact same oval-shaped

¹ In the prior Official Action, Examiner held that claims 8, 10 and 11 were withdrawn. Applicant submitted a response that the withdrawal was in error. The Final Official Action states in the "Office Action Summary" that all of claims 1-11 are now pending in the case, with the claims all being rejected. In the "Detailed Action", however, only claims 1-7, and 9 are rejected. No mention is made whatsoever of claims 8, 10 or 11, nor of Applicant's objection to withdrawal thereof. Applicant has assumed that the claims are thus intended to be restored, and has relisted the claims as "original" in the listing of claims.

member in the same position with respect to tip protector 11, irrespective of the position (or even absence) of the needle shaft as reproduced below:



Moreover, in Figures 2A and 2B, the oval-shaped member is labeled 17 which, in the Chang Patent, is clearly indicated to be a gasket. That the number was simply not included in Figure 2C is not an invitation to rewrite that patent as if the parts had suddenly morphed into something else, when clearly they had not. Thus to call the oval-shaped member a crimp on the needle is nothing short of fantasy.

In addition to the foregoing, if the oval-shaped member were a crimp, then Examiner must point to some other portion of the device in the Chang patent as the gasket (another element required by the present claims). Examiner has not, and cannot, do so.

Under the circumstances, the Examiner is wrong as a matter of fact in pointing to the oval-shaped member as though it were a crimp on the needle. The facts simply do not bear out Examiner's position, and the rejections are therefore in error and should be withdrawn. A final Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

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